

REGULATION

Appointing Authority Letter Reference: CS-6856	Effective Date: July 3, 1997August 20, 2000	Index Reference:	Regulation Number: 3.133.10
Issuing Bureau: Human Resource Services	Rule Reference: Civil Service Commission Rules 3-1.1, 3-1.2, 3-1.3, 3-1.6, 3-4.1, and 3-4.23-3.1, 3-3.2, 3-3.6, 3- 3.7		Replaces: Selection Administrative Procedure 1 (CS- 6563)Reg. 3.13 (July 3, 1997, CS 6856)
Subject: PROMOTION OR INTERNAL TRANSFERLATERAL JOB CHANGE WITHIN A DEPARTMENT OF CURRENT EMPLOYEES UNDER HIRING RESTRICTION CONDITIONS			

~~NOTE: THIS REGULATION SUPERSEDES: Selection Administrative Procedure 1, "Promotion or Internal Transfer of Current Employees under Hiring Restriction Conditions," Effective March 1, 1988 (CS-6563).~~

Index

1. Purpose	1
2. Civil Service Commission Rule Reference	2
3. Definitions.....	3
4. Standards	4
5. Procedures	7

AUTHORITY:

~~The Michigan Constitution of 1963, Article 11, Section 5, states in part:~~

~~The Commission shall . . . make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion.~~

1. PURPOSE

A. This regulation provides information and standards for the establishment and utilization of hiring restriction conditions and the guidelines for the promotion or transferlateral job change within a department of a current employee when hiring restriction or hiring freeze declarations are in force and recall names would normally prevent such an appointment.

2. CIVIL SERVICE COMMISSION RULE REFERENCE:

~~Chapter 3 of the Michigan Civil Service Commission Rules establishes the basis for examination and appointment of applicants to all positions in the state classified service.~~

~~**3-1.2 Certification** means the process whereby (1) the department of civil service or its authorized agent refers the names of qualified candidates to an appointing authority and (2) the department of civil service approves the subsequent appointment of a candidate by the appointing authority.~~

~~**3-1.3 Employment List** means a list of persons whom the department of civil service has determined to be qualified for appointment to a position in the classified service. A recall list is an employment list.~~

- A. ~~3-4.13-3.1~~ Process** — All ~~referrals and~~ appointments and job changes in the classified service shall be made in accord with these rules and regulations of the department of civil service. Except where these rules or regulations of the department of civil service provide otherwise, ~~certification appointments~~ shall first be limited to persons on recall lists.

~~**3-4.2 Referral** — The department of civil service shall refer, or authorize the referral of, qualified candidates to appointing authorities for consideration for appointment to the classified service.~~

B. 3-3.2 Demotion —

- a. Notice.** If an appointing authority intends to demote an employee, the appointing authority shall give prior written notice of the specific reasons for the demotion to the employee.
- b. Conditions.** An appointing authority may demote an employee under any of the following circumstances:
 - (1) If the employee is not performing satisfactorily.
 - (2) If an employee's position is reclassified downward.
 - (3) If the demotion is requested by the employee and approved by the appointing authority.
 - (4) If the position occupied by the employee is abolished.
 - (5) If the employee is displaced by the return to duty of another employee entitled to the position.

- (6) If the employee is displaced by another employee with more seniority during a reduction in force.
- (7) If the employee fails to satisfactorily complete a probationary period.
- C. **3-3.6 Lateral Job Change Within A Department.** - An appointing authority may authorize a lateral job change for an employee within the employee's current department or autonomous entity. The employee may be moved to a different classification only if (1) the employee previously attained status in the classification, (2) the job change is based on the civil service preauthorized lateral job change list, or (3) the employee meets the civil service qualification requirements. A lateral job change within a department or autonomous entity does not require the agreement of the employee. However, an employee may request a lateral job change. A lateral job change within the employee's current department or autonomous entity is not an appointment. {Ref. Commission Meeting July 2000}.
- D. **3-3.7 Promotion** - An appointing authority may appoint a qualified employee candidate to another position at a higher classification level as authorized by and in accordance with the civil service rules and regulations. A candidate may be qualified for appointment in one or more of the following ways:
- (a) The candidate is listed in an appropriate civil service applicant pool.
 - (b) The candidate meets the civil service qualifications for appointment to a designated classification.
 - (c) The candidate is qualified after review by the department of civil service.

3. DEFINITIONS

A. Civil Service Commission Rule Definitions:

- 1. Applicant Pool** means persons whom the department of civil service has determined to be qualified for appointment to a position in the classified service.
- 2. ~~3-1.1~~ Appointment** means the act of an appointing authority employing a properly ~~certified-qualified~~ person in a specific position in the classified service as authorized by the department of civil service.
- 3. ~~3-1.6~~ Recall List** means ~~an employment a~~ list of persons who have been laid off, demoted, or otherwise displaced for reasons of administrative efficiency,

including, for example, lack of work, lack of adequate funding, change in mission, or reorganization of the work force.

INFORMATION:

~~The Civil Service Commission recognizes that hiring restrictions may necessitate the promotion or internal transfer of current employees when recall names prevent such an appointment under normal certification procedures. When a hiring freeze or hiring restriction declaration is properly issued and currently in effect and the standards of this regulation are met, the Department of Civil Service will authorize the promotion or internal transfer of a current employee when recall names would normally prevent such an appointment.~~

4. STANDARDS

A. STANDARDS FOR THE ESTABLISHMENT OF AN AUTHORIZED HIRING RESTRICTION OR FREEZE:

1. The appointing authority must have a current, approved, and acknowledged hiring restriction declaration on file with the Department of Civil Service in accord with this regulation. See Attachment A for an example of a Declaration of State-wide or Department-Wide Hiring Freeze. See also Attachment B for an example of a Declaration of Organizational Area Hiring Freeze.
- ~~1.2.~~ A bona fide hiring restriction or hiring freeze is established when a declaration is forwarded to the State Personnel Director by the Governor, ~~a controlling commission, the appointing authority,~~ a department director, or ~~a an~~ an autonomous entity ~~director chief deputy director~~ which describes the nature and scope of the hiring restriction or hiring freeze and includes a date and anticipated expiration date.
- ~~1.3.~~ A hiring restriction declaration or hiring freeze declaration must identify the total staffing level (current filled positions) of each of the areas affected by the declaration.
- ~~1.4.~~ A hiring restriction must be either department-wide or agency-wide, or it must specify the organizational areas to which the restrictions apply.

4.5. The organizational area designated for hiring restrictions must conform to major budgetary units or to definable and distinct programs (i.e., bureau, division, office, or district).

a. The restriction conditions must be applicable to all classifications and classification levels contained in the designated organizational area.

~~a.b.~~ Hiring restrictions may affect groups of classifications such as clerical, supervisory, or management positions. However, when hiring restrictions are described in this manner, requests to apply this procedure may require review of appointments on a case-by-case basis to ensure conformance with the intent of this regulation.

NOTE: Unit levels or section levels are considered organizationally too narrow for the application of this regulation.

~~6. Written notification must be provided to the Department of Civil Service for each application of this regulation. However, when a properly issued hiring restriction declaration or hiring freeze declaration has been properly issued and acknowledged in compliance with Standards 1 through 5 above, it will provide the justification for use of "exclusive agency" employment lists as long as the declaration is in effect and the Certification of Conformance statement is presented in Item 11 on the Request for Approved Appointment (Form CS-1672).~~

7.6. The hiring restriction declaration or hiring freeze declaration will be considered null and void for any one of the following reasons:

a. The expiration date is reached, and it is not re-issued.

b. An individual from outside the department is hired into a declared hiring restricted organizational area (as defined in the declaration proclamation).

c. The hiring freeze or hiring restriction proclamation is rescinded.

B. STANDARDS FOR TRANSFER LATERAL JOB CHANGE WITHIN A DEPARTMENT AND PROMOTIONAL APPOINTMENT UNDER HIRING RESTRICTION CONDITIONS:

1. No appointments shall be approved under this regulation prior to the appointing authority receiving written approval of its hiring restriction condition declaration from the Department of Civil Service.

~~1.2.~~ All ~~names on~~ departmental recall ~~lists~~ names from the requesting department must be cleared prior to ~~submitting an a promotional~~ appointment ~~request under this regulation.~~

~~3. An agency must submit the following when requesting an approved appointment in accord with this regulation:~~

~~a. A completed Request for Approved Appointment (CS-1672) form and a Certification of Conformance statement in Item 11 of the CS-1672.~~

~~b. A copy of the exclusive agency (department/agency employees only employment list) certification.~~

~~c. A copy of the current employment history of the employee(s) being appointed.~~

~~4. A Certification of Conformance statement must be included in Item 11 on the CS-1672. Examples of a "Certification of Conformance" statement based on the declaration on file with the Department of Civil Service include:~~

~~a. This action is an application of regulation on "Promotion or Internal Transfer of Current Employees Under Hiring Restriction Conditions," in accordance with the Hiring Restriction Declaration dated (MM/DD/YY) on file with the Department of Civil Service.~~

~~b. This action is an application of regulation on "Promotion or Internal Transfer of Current Employees Under Hiring Restriction Conditions," in accordance with the Hiring Freeze Declaration dated (MM/DD/YY) on file with the Department of Civil Service.~~

~~5.3.~~ For transfer appointments, ~~t~~he selected candidate must ~~have status to be eligible for transfer and must~~ possess the ~~minimum~~ qualifications for the classification to which the appointment is being made.

~~6. For promotional appointments, the selected candidate must be in certifiable range for appointment on the standard employment list.~~

5.4. The application of this regulation is not required for the ~~reassignment~~ lateral job change or demotion of an employee to a different position within the agency department or autonomous entity since recall names do not prevent these transactions from occurring.

5. Contractual obligations ~~in regard to recall, transfer, or reassignment or lateral job change~~ must be first observed when filling a position covered by a collective bargaining ~~unit contract~~ agreement. After contractual requirements have been exhausted, the standards in this procedure must be applied.

5. PROCEDURES

A. PROCEDURES FOR ESTABLISHMENT OF HIRING RESTRICTION CONDITIONS:

Responsibility

Action

Appointing Authority

1. Sends a copy of a bona fide Hiring Restriction Declaration or Hiring Freeze Declaration to the State Personnel Director attached to a letter of intention to apply for a promotion or ~~internal transfer~~ lateral job change within a department of current employees under hiring restriction conditions.

2. The Declaration must contain all of the following:
 - a. The identity of the authority issuing the declaration.
 - b. A description of the hiring restriction conditions.
 - c. An explanation of the need and rationale for the restriction conditions.
 - d. An identification of the organizational area(s) that come under hiring restrictions.
 - e. The effective date the declaration commences.
 - f. The expiration date of the declaration.
 - g. The current staffing level of the affected organizational area(s).
3. Reviews the declaration for compliance with the standards of this regulation.
 - a. If approved, sends a letter of approval to the appointing authority.
 - b. If the declaration is incomplete, or not in compliance, sends a letter to the appointing authority requesting additional information or denies request.

~~Human Resource Services
Bureau, Group Leader~~Department
of Civil Service

**B. PROCEDURES FOR MAKING APPOINTMENTS UNDER HIRING
RESTRICTION CONDITIONS:**

<u>Responsibility</u>	<u>Action</u>
Appointing Authority	1. Submits a request for approved appointment (CS-1672) and additional the documentation identified in the standards of this regulation to the Department of Civil Service. Human Resource Services Bureau Group Leader.

~~July 3, 1997~~August
20, 2000

~~Regulation 3.133-10: Promotion or Internal Transfer Lateral Job~~
Change within a department of Current Employees Under Hiring
Restriction Conditions

Page 9 of 11

Bureau of Human Resource
Services Bureau, Group
Leader Department of Civil Service

4.2. Reviews the ~~request for approved appointment~~
~~and the attached~~ documentation for compliance
with the standards of this regulation and approves
or disapproves.

a. ~~If in compliance with the standards of~~
~~this regulation, an approved~~
~~appointment is entered as requested~~
~~by the appointing authority.~~

b. ~~If incomplete or not in compliance,~~
~~contacts the appointing authority~~
~~requesting the additional information.~~

3. ~~Telephones or e-mails the appointing authority when~~
~~the approved appointment has been entered.~~

4. ~~Returns copy of approved CS-1672 to~~
~~department.~~

CONTACT PERSON:

Questions ~~or concerns~~ regarding this regulation should be directed to the Human
Resource Services Bureau Group Leader responsible for providing human resource
services to the agency: Charles Green, Jr. (517) 373-3326, George Minerick (517)
373-3065, or Carol Mowitz (517) 373-3040, Department of Civil Service, P.O. Box
30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or
1-800-788-1766, or MDCS@state.mi.us.

NOTE: Regulations are issued by the State Personnel Director under authority
granted in the State of Michigan Constitution and the Michigan Civil Service
Commission Rules. Regulations that implement Commission Rules are
subordinate to those Rules.

~~This regulation is issued in accordance with Subsection 2-13.5 of the Michigan Civil~~
~~Service Commission Rules.~~

~~July 3, 1997~~August 20, 2000

~~Regulation 3.133-10: Promotion or Internal Transfer-Lateral Job Change within a department~~ of Current Employees Under Hiring Restriction Conditions

Page 10 of 11

Attachment A

EXAMPLE OF
DECLARATION OF HIRING RESTRICTION (OR FREEZE)

DATE: ~~January 13, 2000~~June 12, 1997

TO: ~~All Employees~~State Personnel Director

FROM: ~~I. M. Manager, Director~~Governor, Department Director, or Autonomous Entity Director
~~Department of Administration~~

SUBJECT: Declaration of State-wide or Department-wide Hiring Freeze

Effective ~~June 12, 1997~~January 13, 2000, a hiring freeze has been declared for the Department of Administration, pursuant to Executive Order ~~XXXX1997-1~~. This freeze will be in effect until ~~September 30, 1997~~April 30, 2000.

The current staffing level for the department is 1,630, and the projected level for the end of the fiscal year has been determined to be 1,600. It is our intent to achieve the required staffing reduction through normal attrition and the application of this freeze.

Effective immediately, all requests to fill positions must be approved by my office before any appointments can be made.

Attachment B

EXAMPLE OF

DECLARATION OF HIRING FREEZE

DATE: ~~June 12, 1997~~
February 8, 2000

TO: ~~State Personnel Director~~
All Employees

FROM: ~~Department Director or Autonomous Entity Director~~
I. M. Manager,
Director
Department of Administration

SUBJECT: Declaration of Organizational Area Hiring Freeze

Effective ~~June 12, 1997~~
February 8, 2000, a hiring freeze has been declared for the following organizational areas of the Department of Administration:

<u>Organizational Area</u>	<u>Current Staff Level</u>
Office of Personnel Services	55
Office of Management Services	62
<u>Data Services</u> <u>Information Technology</u>	79
Division	
Building Management	99
Accounting Division	23
Purchasing Division	35

It is our intent not to increase current staffing levels within these areas for the remainder of this fiscal year. As a result, all requests to fill positions in these organizational areas must be approved by my office before any appointment may be made. This freeze will be in effect until ~~September 30, 1997~~
May 30, 2000.